

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 581 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

MOHANLAL SHAMJIBHAI PATEL

Appearance:

MR AG URAIZEE, LD. APP with MR MR ANAND, LD. PP for Petitioner
MR YS LAKHANI for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 30/07/96

ORAL JUDGEMENT

Admit.

After delay is condoned this appeal is taken up for admission and final hearing today itself at the request of Mr. A.G. Uraizee, Ld. APP for the State.

Apart from the fact that the respondent-accused has been acquitted of the offences punishable u/Ss. 7 and 16 of the Prevention of Food Adulteration Act upon

appreciation of evidence adduced before the Judicial Magistrate First Class, Veraval, the very basis of the complaint has not been established. It is not shown that the Keshar Milk, sample whereof was taken, require particular standard of fat. That apart even from the report of the analyst it appeared that there was no prohibited or injurious element in the sample. Bearing in mind this broad aspect of the case the learned Magistrate acquitted the respondent of the offences charged against him. In my opinion, the facts and circumstances of the case as appearing in the judgment of the learned Magistrate do not call for interference in this acquittal appeal. Hence, rejected.

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